

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

HENRY JAMES WIMBERLY, JR.,

Plaintiff

VS.

Investigator JOHNNY MEYERS, *et al.*,

Defendants

NO. 1:06-CV-52(WLS)

ORDER

Plaintiff **HENRY JAMES WIMBERLY, JR.**, an inmate at the Clarke County Jail in Athens, Georgia, has complied with the previous order of this Court to provide an *in forma pauperis* form and supporting documentation concerning his IFP application, as well as to complete and sign a 42 U.S.C. § 1983 complaint form. Upon examination of plaintiff's submissions, it appears that plaintiff is unable to pay the cost of commencing this action. Accordingly, plaintiff's application to proceed *in forma pauperis* is hereby **GRANTED**.

However, even if a prisoner is allowed to proceed *in forma pauperis*, he must nevertheless pay the full amount of the \$350.00 filing fee. 28 U.S.C. § 1915(b)(1). As stated above, plaintiff is unable to pay the entire \$350.00 filing fee at this time. However, plaintiff does have sufficient funds in his prison account to pay a portion of this amount. Therefore, pursuant to 28 U.S.C. § 1915(b)(1)(A), it is hereby **ORDERED** that plaintiff's complaint be filed and that plaintiff pay an initial partial filing fee of \$11.66 to the clerk of this court.

Plaintiff shall have thirty (30) days from the date of his receipt of this order to pay the required initial partial filing fee to the Clerk of the Court. Failure to comply with this order shall

result in the dismissal of plaintiff's complaint. There shall be no service of process in this case until further order of the Court.

SO ORDERED, this 3rd day of May, 2006.

/s/ *Richard L. Hodge*

RICHARD L. HODGE

UNITED STATES MAGISTRATE JUDGE